

Department of Health
Notice of Rulemaking Hearing
Board of Medical Examiners
Division of Health Related Boards

There will be a hearing before the Tennessee Board of Medical Examiners to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-201, 63-6-204, 63-6-207, 63-6-214, 63-6-215, and 63-8-502. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Cumberland Room of the Cordell Hull Building located at 425 Fifth Avenue North, Nashville, TN at 3:30 p.m. (CST) on the 19th day of January, 2006.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 425 Fifth Avenue North, First Floor, Cordell Hull Building, Nashville, TN 37247-1010, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 0880-2-.13 Advertising, is amended by adding the following language as new subparagraph (3) (f):

- (3) (f) Remote Services. Any physician who, pursuant to T.C.A. § 63-6-204 (b), is required to have control over and responsibility for medical services being provided at any location other than the primary location or office at which he or she practices medicine a majority of the time must have the following included in any advertisement or on any sign for that location:
1. The physician's name; and
 2. An indication of what, if any, specialty or board certification is held by the physician; and

3. An indication of whether the physician is available on-site or remotely.

Authority T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-204, 63-6-214 and 63-6-215.

Rule 0880-2-.14 Specifically Regulated Areas and Aspects of Medical Practice, is amended by adding the following language as new paragraphs (12) and (13):

- (12) Any physician who, pursuant to T.C.A. § 63-6-204 (b), is required to have control over and responsibility for medical services being provided by any allied health professional regardless of where those services are being provided must have an unencumbered license just as is currently required for physicians who supervise physician assistants pursuant to rule 0880-2-.18 (1) and certified nurse practitioner prescription writers pursuant to rule 0880-6-.02 (1).
- (13) Medical certification on death certificates - Any physician who is required to and refuses to or consistently fails to comply with the provisions of T.C.A. § 68-3-502 regarding medical certification on death certificates shall be subject to disciplinary action pursuant to T.C.A. § 63-6-214(b)(1).

Authority T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, 63-6-204, 63-6-214, and 68-3-502.

Rule 0880-2-.21 Office Based Surgery is amended by adding the following language as new subparagraph (2) (c):

- (2) (c) Any operating room established to perform Level II and/or Level III surgeries pursuant to this rule may be utilized only by the physician who established it or the group of physicians in whose practice the room is established. The room may not be used by any other physicians except in the case of unanticipated emergency consultation and/or assistance.

Authority T.C.A. §§ 4-5-202, 4-5-204, 63-6-101, and 63-6-204.

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Contact who can answer questions concerning this notice of rulemaking hearing,

technical contact for disk acquisition, and person who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor, Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010 615-532-4397.

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Tennessee Board of Medical Examiners.

Robbie H. Bell, Director
Health Related Boards

Subscribed and sworn to before me this the 15th day of November, 2005.

Notary Public

My commission expires on the 25th day of March, 2006.

The notice of rulemaking set out herein was properly filed in the Department of State on the ____ day of _____, 2005.

Riley C. Darnell
Secretary of State

By: _____